

YOUTH SERVICES POLICY

Title: Firearms Training Next Annual Review Date: 03/02/2013	Type: C. Field Operations Sub Type: 1. General Number: C.1.8
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References: Law Enforcement Officers Safety Act of 2004; La. R.S. 14:20, 14:40, 15:574.8 and 15:825.2; C.Cr.P.Art. 201, 227.1, and 899 (B); ACA Standards 2-CO-3A-01 (Administration of Correctional Agencies), 2-7164 (Standards for Juvenile Probation and Aftercare Services); YS Policies A.2.19 "Special Agents", C.2.6 "Use of Interventions", C.5.1 "Performance Data and Information", C.5.2 "Duty Officers and Reporting of Serious Incidents", and D.10.12 "Use of Interventions-Community Based Services"	
STATUS: Approved	
Approved By: <i>Mary L. Livers, Deputy Secretary</i>	Date of Approval: 03/02/2012

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish a uniform policy regarding training and the safe and proper use of firearms.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Deputy Undersecretary, Chief of Operations, Deputy Assistant Secretaries, Facility Directors, Regional Managers, employees in the probation and parole series and YS commissioned special officers.

IV. DEFINITIONS:

Arrest - the taking of one person into custody by another. To constitute arrest there must be an actual restraint of the person. The restraint may be imposed by force or may result from the submission of the person arrested to the custody of the one arresting him. (C.Cr.P.Art.201)

Commissioned Officer/Special Agent - a probation and parole employee who has been issued a commission by the Deputy Secretary to carry a firearm when necessary to safely perform their required duties. See YS Policy A.2.19 "Special Agents".

Commissioned Special Officer - Investigative Services staff and OJJ executive staff who have been commissioned by the Office of State Police.

Deadly Force - Any intentional force that is capable of causing death or serious physical harm.

Level II Holster - a holster with a primary and secondary retention/security device. The handgun cannot be removed from the holster when the primary security is locked. When the primary security is unlocked, the secondary retention/security device is designed to prevent the handgun from falling out of the holster when turned upside down.

On duty - when an employee is being compensated on an hour-for-hour basis under the Fair Labor Standards Act for actual time worked. Officers are not considered to be on duty when serving as YS Duty Officer.

Peace Officers Standards and Training (POST) - was established by Act 397 of 1976, as amended, to develop training standards for police officers in the State of Louisiana.

Probation and Parole Officer - any YS, OJJ employee in the probation and parole series.

Qualified Firearms Instructors - Individuals who have received certification by the NRA or POST as appropriate to the training being conducted and the certification issued.

Qualified Regional Firearms Instructor- Probation and Parole employee designated by the Deputy Assistant Secretary - Community Based Services who is certified as a firearms instructor by the National Rifle Association (NRA) and/or Peace Officers Standards and Training (POST) Council. This officer coordinates in-service training for all OJJ firearms instructors statewide and oversees the ordering and distribution of ammunition and firearms equipment.

Regional Managers - Managers of the Community-Based Services (CBS) field offices located throughout the State.

Reportable Accident - The drawing or displaying of a handgun during performance of duty or an allegation of the misuse of a handgun.

Transport Officer – an employee whose primary function is transporting and has been trained in Pressure Point Control Tactics (PPCT) (including impact weapon), use of chemical agents, officer survival and adolescent behavior.

V. POLICY:

It is the Deputy Secretary's policy that all YS employees required to maintain status as a commissioned officer/special agent/commissioned special officer shall receive firearms training as outlined in this policy.

Officers are required to carry an agency issued firearm in the performance of their duties according to the guidelines set forth in this policy.

Use of a personal handgun is prohibited in the performance of agency duties.

VI. FIREARM QUALIFICATION/REQUALIFICATION:

- A. All new probation and parole series staff shall undergo necessary initial firearms training by a qualified firearms instructor. Each new officer shall be required to pass the POST pre-academy firearms training, and achieve a minimum passing score of 96 on the POST Handgun Qualification Course as part of new employee orientation and training. Officers must be able to qualify on the POST course prior to attending a POST academy.
- B. Officers who fail to meet the minimum passing score of 96 shall receive additional training and shall be required to achieve the minimum score. Officers who fail to achieve a passing score on the POST Handgun Qualification Course will not attain permanent status.
- C. The agency shall issue an approved handgun to each Probation and Parole Officer/Juvenile (PPO/J), P&P Supervisor/Juvenile (PPJ/S), and P&P Regional Manager/Juvenile hired after January 21, 2000.

A handgun shall be issued to probation and parole series staff hired prior to January 21, 2000, upon request.

Officers hired prior to January 21, 2000 who do not wish to carry a firearm in the course of their regular/routine job duties shall not be required to do so, and shall complete the "Waiver to Carry a Firearm" form [see Attachment C.1.8 (a)]. However, a firearm will be available in the Regional Office should they request or are required to carry one for a particular job assignment.

- D. An OJJ employee shall not carry a handgun in the performance of his duties until he is properly qualified and familiarized with YS policies regarding firearms. Attachment C.1.8 (i) of this policy contains the course of instructions which must be taught to an officer prior to issuing a handgun.

An officer may only carry a handgun he/she has used to qualify, defined by model and serial number. Handguns shall be issued to each officer by the regional armorer, after approval by the Qualified Regional Firearms Instructor. Once qualified to carry a handgun, each officer must re-qualify annually with the handgun he is authorized to carry. Officers who fail to re-qualify shall not be allowed to carry a handgun in the performance of his duties until requalification is accomplished.

- E. Confirmation that an officer has completed a firearms qualification course shall include documentation that:
1. The officer has been instructed in the agency's policies on carrying firearms and the use of deadly force;
 2. The officer has been instructed in the agency's safety rules pertaining to firearms;
 3. The officer has been trained on the firing range and has successfully completed the POST Handgun Qualification Course with an agency issued handgun and obtained a minimum score of 96.
- F. Every officer is required to re-qualify on the POST Handgun Qualification course annually by a POST Certified Firearms Instructor, according to POST guidelines.

In addition to re-qualifying on the firing range, each officer shall receive eight (8) hours of classroom training, including but not limited to:

1. YS Policies;
2. shoot/don't shoot scenarios;
3. arrest techniques;
4. shooting at moving targets;
5. liability of carrying firearms; and
6. other topics deemed appropriate by the Certified Regional Firearms Instructor.

- G. Prior to each firearms class held on a firing range, an appropriate reminder shall be made of Probation and Parole Officer David Seymour, who lost his life in the line of duty during a training exercise, to remind officers of the importance of firearms safety [see Attachment C.1.8 (g)] by the Lead Firearms Instructor.
- H. Secure care employees shall not be required to undergo firearms training. However, any officer/employee subsequently issued a handgun for the performance of their duties must be appropriately qualified in accordance with this policy.
- I. Firearms safety and vigilance are critical aspects of an officer's duties. As firearms safety is paramount, any officer failing to adhere to all firearms safety rules may be removed from the firing range and subject to disciplinary action.

VII. PROCEDURES:

- A. All commissioned officers shall carry their approved handguns on their persons when performing any of the following functions:
 - 1. transporting youth to secure care;
 - 2. taking youth into custody;
 - 3. assisting law enforcement agencies in warrant sweeps or community policing activities; and
 - 4. certain job assignments at the discretion of the agency.
- B. When conducting routine planned personal contacts with youth and/or their family members in the community and all other circumstances, an officer may use personal discretion in determining whether to carry a firearm where the nature and purpose of the activity would indicate that doing so may jeopardize the officer's safety or enhance youth confidentiality.
- C. Transport Officers, hired strictly for the purposes of transporting youth, shall not at any time carry a firearm, however shall rely on their PPCT, use of chemical agents, officer survival, and adolescent behavior training.
- D. Officers are assigned firearms for the purpose of self-protection. The handgun should be worn in a non-conspicuous manner and concealed when possible to protect a youth's confidence. When an officer is assisting a law enforcement officer or participating in the arrest of a youth, his handgun should be worn in an unconcealed manner for tactical purposes and to clearly identify his role as a peace officer.

- E. When carrying a handgun, a commissioned officer/special agent shall also carry at least one intermediate weapon (chemical agent or baton), that he/she has been trained to use, as well as an extra fully loaded magazine .
- F. A commissioned officer/special agent shall wear his body armor when assisting local law enforcement in the following circumstances:
 - 1. warrant sweeps or community policing activities;
 - 2. taking into custody a youth on a verified complaint or attachment/warrant;
 - 3. taking physical custody of the youth from his/her home to transport him/her to secure care.
- G. Each officer is responsible for the care and maintenance of his handgun which shall be clean and operational at all times. An officer's handgun shall be accessible to him whenever he is on duty.
- H. The special agent commission does not authorize an officer to carry a handgun when not on duty.
- I. Less-than-lethal munitions and devices shall be used as an alternative to deadly force when possible under prevailing circumstances. All staff authorized to utilize less-than-lethal munitions and devices shall be trained in their use according to the manufacturer's guidelines. Training shall include instructions on when to use non-lethal weapons, the type of non-lethal weapon to select, and how to properly use and dispense less-than-lethal munitions and devices. Training shall also include safety gear, including eye and ear protection. Training shall be conducted on an annual basis or as needed whenever new equipment is added to the approved list.
- J. The officer may use discretion in carrying his handgun in an unconcealed manner at other times during routine field activities if identification as a peace officer and the conspicuousness of the handgun may enhance his personal safety.
- K. Officers shall abide by the program's policy when visiting or doing business in institutions or organizations which prohibit weapons on the premises.
- L. All officers, who are authorized to carry a firearm, shall read and understand the established General Safety Rules [see Attachment C.1.8 (j)]. Each officer shall review the rules with their supervisor or firearms instructor, and a signed copy shall be recorded in each officer's personnel file.

- M. No alcoholic beverages or drugs (non-prescription/illegal/mind altering, etc.) shall be consumed prior to or when carrying a firearm. An officer shall never carry a firearm while under the influence of alcohol or drugs.
- N. An officer, immediately upon learning she is pregnant, should notify her supervisor. A Medical Certification Form (refer to YS Policy A.2.28) must be completed by the attending physician outlining approved duties while the officer is pregnant, including approval of any firearms training/shooting activities.

VIII FIRING /ACCIDENTAL DISCHARGE OF A WEAPON:

- A. An officer shall only fire his handgun to prevent another person from doing great bodily harm to the officer or another person. Any discharge of a firearm in the direction of another is considered a use of deadly force. An officer shall not discharge a firearm under circumstances that would subject bystanders or hostages to possible injury or death, unless failure to do so would create immediate and substantial threat of serious bodily injury to the officer or another person.
- B. Warning shots are forbidden.
- C. Firearms shall be utilized only as a last resort and only as authorized herein.
- D. In the utilization of firearms, the following procedures shall be followed:
 - 1. Verbal warning (if feasible) to cease actions; and
 - 2. Shoot to stop the threat of serious bodily harm.

Note: The only exception to the provisions of Section VIII.D.1. shall be when the circumstances require immediate action to protect life.

- E. Any officer who draws his firearm, in a situation other than on the firing range, or to clean or store it, shall report the incident to his supervisor or the Regional Manager and complete a written Unusual Occurrence Report (UOR) by the end of his shift. The Regional Manager shall forward the report to the Deputy Assistant Secretary - Community Based Services (CBS). Whenever an officer draws his weapon, outside of training, he/she shall identify himself/herself as a probation officer. Other reporting and follow-up action regarding use of firearms and use of force shall be in accordance with YS Policy C.5.2. Commissioned special officers shall report up their chain of command incidents described in this paragraph.

- F. If a weapon is discharged during an incident, the officer shall take the following steps:
1. Leave the weapon as it was subsequent to firing it, holster it and secure the shooting scene without disturbing anything, except to relieve a suspect of his weapon to protect yourself or others and/or to maintain order.
 2. Report the incident immediately to local authorities and request medical assistance if there are injuries.
 3. Direct all witnesses to remain at the scene until law enforcement arrive.
 4. Immediately report the incident to your immediate supervisor, who shall be responsible for notifying the Regional Manager, who shall notify the Deputy Assistant Secretary/CBS. If the officer cannot immediately get in contact with his supervisor or Regional Manager, he shall contact the Central Office Duty Officer, who shall then notify the Deputy Assistant Secretary/CBS. The Deputy Assistant Secretary/CBS is responsible for notifying the Deputy Secretary. Commissioned special officers shall report up their chain of command incidents described in this paragraph.
 5. Make no formal statement until consultation with Legal Services and with the expressed approval of the Deputy Assistant Secretary/CBS. In the case of commissioned special officers, approval must be granted by the appropriate Deputy Assistant Secretary or the Deputy Secretary, as the chain of command dictates. The officer must cooperate and give information to the local authorities involved in the investigation of the incident, but shall only give factual information;
 6. As soon as possible after the officer has given notification of the shooting, but no later than the end of the officer's shift, the UOR shall be completed to include the following:
 - a. name of the officer;
 - b. regional office; (not needed for CSO reports)
 - c. location of the incident;
 - d. day, date, and time of incident;
 - e. weapon type and serial number;
 - f. reason weapon was fired;
 - g. number of shots fired;
 - h. name of victim (if any);

- i. witnesses;
 - j. name of local law enforcement agency notified;
 - k. name and rank of officer who investigated the incident;
 - l. person who completed the report; and
 - m. the time the report was completed.
- 7. If a YS weapon is taken for evidence, the officer shall request a written receipt and insure it is attached to the UOR.
- G. Accidental discharge of a weapon which does not result in any injury shall be reported immediately to the Regional Manager and a UOR shall be completed prior to end of the officer's shift. Commissioned special officers shall report up their chain of command incidents described in this paragraph.
- H. A Shooting Review Panel, appointed by the Deputy Secretary, shall review the circumstances surrounding each incident where firearms are discharged (by YS staff), except during authorized training, and shall make recommendations as necessary. The meetings will occur on an incident-by-incident basis at the discretion of the Deputy Secretary (or designee).

IX. INVENTORY AND STORAGE OF FIREARMS AND AMMUNITION:

- A. A Master Firearm Inventory [see Attachment C.1.8 (c)] of all agency issued firearms shall be maintained in each CBS Regional Office by the regional armorer. The inventory shall be modified when a handgun is added, removed, or reassigned to another officer. A record of every firearm removed from the inventory shall also be maintained utilizing the Firearms Removed from the Inventory form [see Attachment C.1.8 (d)].

An Individual Firearm Tracking Chart [see Attachment C.1.8(e)] shall also be maintained on every firearm. Copies of the Master Firearm Inventory shall be sent to the Qualified Regional Firearms Instructor. The Director of IS shall follow paragraph "A" for all IS commissioned special officers.
- B. Each handgun carried by an officer shall be inspected annually by an Agency certified armorer to ensure that the handgun is serviceable and fit for duty and has not been modified beyond factory specification. A handgun may also be inspected at any time by a certified armorer to determine if it is serviceable or has been modified. Further, handguns are subject to inspection at any time by a supervisor or firearms instructor for cleanliness and/or signs of abuse or non-serviceability.

- C. CBS shall provide ammunition to officers to practice in preparation for qualification, requalification, and to carry as the service round when on duty. Officers shall only carry ammunition issued by the agency. Practice ammunition shall not be carried as service ammunition. Once qualified, officers may be allocated a sufficient amount of ammunition for practice during the year in order to maintain their skill level. All practice shall be under the direction of a certified POST or NRA firearms instructor. An Ammunition Inventory [(see Attachment C.8.1(f)] of all ammunition issued to the CBS Regional Office shall be maintained by the regional armorer. A separate Ammunition Inventory form shall also be maintained for each type of ammunition (e.g. 9mm practice, 9mm service, .40 practice, .40 service) at the regional office.
- D. Issued handguns and ammunition not carried by an officer shall be secured in the following manner:
 - 1. All handguns must be secured in the gun cabinet, a lockbox designed for such, or in a locked vehicle.
 - 2. All ammunition must be secured in the armory, a lockbox or in a locked vehicle.
 - 3. In the field, handguns and ammunition must be stored in a locked glove compartment or a locked trunk of a locked vehicle. Items shall be stored in a manner where they are not readily or immediately visible to anyone looking in from the outside or when the vehicle is opened.
 - 4. At home, all handguns and ammunition which are carried on duty should be kept in a locked gun safe or other secure area. Trigger locks shall be applied to all such handguns.

Each CBS Regional Office shall have a double lock gun safe, which should be located in a lockable room without windows. The use of trigger locks on all unassigned handguns in storage is mandatory.
- E. Non-Issued handguns shall be stored in the gun safe. Non-issued ammunition shall be stored in the armory or gun safe.

X. THEFT OR LOSS OF A FIREARM:

- A. The loss or theft of any state issued handgun an officer is authorized to carry shall immediately be reported to local law enforcement, the Louisiana State Police, and the Regional Manager, and the Director of Investigative Services (IS).

- B. In the case of special agents, the Regional Manager shall immediately notify the Deputy Assistant Secretary/CBS, who shall notify the Deputy Secretary. Commissioned special officers shall make notification up their chain of command ending with the Deputy Secretary.
- C. The officer shall immediately submit a written UOR describing the circumstances surrounding the loss or theft to the Regional Manager. A copy shall be forwarded to the Director of IS.

XI. REVOCATION OF AUTHORIZATION TO CARRY A FIREARM:










- A. The Regional Manager shall reclaim an officer's issued firearm and/or withdraw the authorization to carry a handgun upon the following circumstances:
 - 1. If an officer is involved in a serious weapon incident, until the investigation is complete;
 - 2. If the officer is observed in chronic unsafe behavior with a weapon;
 - 3. If the officer is in a high emotional state or very angry and/or is threatening to harm another;
 - 4. If, upon inspection by a firearms instructor, the officer's handgun has been damaged;
 - 5. Prior to an officer's termination, suspension or placement on extended leave;
 - 6. When an officer fails to achieve a passing score on the annual firearms re-qualification; or
 - 7. Upon observation and documentation by the Regional Manager of serious physical impairment, drug, alcohol, emotional or mental problems and/or receipt of a report from a certified psychiatrist or doctor stating that the officer is unable to perform his duties.
- B. The action shall be reported to the Deputy Assistant Secretary – Community Based Services immediately, and steps taken to suspend duties which require an officer to carry a firearm, until a determination is made by the Deputy Assistant Secretary – Community Based Services. Employees whose authority to carry has been revoked may be subject to disciplinary action.

- C. The Director of IS shall follow Section XI., and report up the chain of command for incidents involving commissioned special officers under his supervision.

Previous Regulation/Policy Number: C.1.8

Previous Effective Date: 09/14/2010

Attachments/References:

 C.1.8 (a) WAIVER TO CARRY A FIREARM.doc	 C.1.8 (b) WEAPONS LIST.doc
 C.1.8 (c) MASTER FIREARM INVENTORY.doc	 C.1.8 (d) FIREARMS REMOVED FROM THE INVENTORY.doc
 C.1.8 (e) INDIVIDUAL FIREARM TRACKING CHART.doc	 C.1.8 (f) AMMUNITION INVENTORY.doc
 C.1.8 (g) Memorial D. Seymour.doc	 C.1.8 (h) Range Safety Rules and Range Consideration Sign Sheet.doc
 C 1 8 (i) 01-31-12.docx	 C 1 8 (j) 01-31-12.docx